federal register

Monday
November 14, 1988

Part V

Department of Labor

Mine Safety and Health Administration

30 CFR Part 50

Notification, Investigation, Reports and Records of Accidents, Injuries, Illnesses, Employment, and Coal Production in Mines; Advance Notice of Proposed Rulemaking

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 50

Notification, Investigation, Report and Records of Accidents, Injuries, Illnesses, Employment, and Coal Production in Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) is in the process of reviewing the regulations in 30 CFR Part 50 which set forth the requirements for mine operators to investigate mine accidents and injuries; report mine accidents, injuries, illnesses, employment, and coal production; and maintain copies of these reports. The Agency plans to review all aspects of the existing regulations and related interpretations. Comments and information pertaining to any aspect of the regulations are invited. This notice also outlines specific issues on which MSHA is seeking comment and information from the mining community concerning the need for changes to Part 50 and the impact of these changes on the mining community.

DATE: All comments and information should be submitted by January 13, 1989.

ADDRESS: Comments should be sent to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, (703) 235-1910.

SUPPLEMENTARY INFORMATION: Part 50 sets forth investigation, recordkeeping, and reporting requirements. Mine operators are required to investigate each accident and occupational injury; report each accident, occupational injury or occupational illness to MSHA; and, maintain records of each accident and investigation report. The mine operators must also submit employment and coal production data. This information is used by MSHA and the mining community to identify safety and health problems and injury trends. MSHA also uses this information to determine national fatality and injury incidence rates of the mining industry.

The American Mining Congress (AMC) and the Bituminous Coal Operators' Association (BCOA) jointly have petitioned MSHA to institute a rulemaking proceeding to revise Part 50 and conform the reporting and recordkeeping system of MSHA with that of the Occupational Safety and Health Administration (OSHA).

MSHA is closely monitoring a study of the BLS/OSHA injury and illness recordkeeping reporting system. MSHA intends to work closely with these two Agencies to assure that injury and illness recordkeeping and reporting reflect a coordinated Departmental approach.

On December 11, 1986, MSHA distributed Program Circular No. 7014: Report on 30 CFR Part 50 (Notification Investigation, Reports and Records of Accidents, Injuries, Illnesses, Employment and Coal Production in Mines), also referred to as the "Part 50 Yellow Jacket". The 1986 Yellow Jacket was an update of two eariler reports issued in 1978 and 1980 explaining the reporting requirements and addressing frequently asked questions about Part 50. On March 14, 1988, MSHA requested comments on the Yellow Jacket on such matters as definitions and explanatory material. The information provided by the commenters will be considered in preparing any proposal that may result from this ANPRM.

Specific Issues Identified for Comment

In this advance notice of proposed rulemaking, MSHA is seeking comments and information on a number of issues. Commenters should provide detailed reasons to support their respective positions based upon particular experience and circumstances. MSHA requests comments on all relevant aspects of the provisions of Part 50 and on the following issues in particular:

General

—Under what conditions and in what manner should Part 50 apply to independent contractors working on mine property?

—Should MSHA consider collecting any additional data to address mine safety and health concerns? If so, what data should MSHA consider and why?

—Are all data currently being submitted to MSHA being used as a part of your safety and health program? If not, what data are not being used and why?

—Are these current MSHA published statistics which have little use for your safety and health program, e.g. injury severity which is based on scheduled time changes, etc.? If so, what are they and give your reasons?

Definitions

Several terms used in Part 50 have been defined in this section to clarify the operators compliance responsibility. The definitions include such terms as "accident", "occupational injury", and "occupational illness."

—How and why should any of the definitions be revised?

—What should "medical treatment" include?

—What should "first aid" constitute as distinguished from "medical treatment"?

—Should a time limit be added to the criteria for distinguishing between first aid and medical treatment injuries, If so, give specifics.

Investigations

—How could operator investigation requirements be improved and reduce the burden on the industry?

—What specific guidance, if any, should be provided on the format and content of operator investigation reports?

Reporting

—Are there ways that accident, injury, and illness data could be more effectively and efficiently gathered? If so, what alternatives should be considered for reporting and collecting this information?

—Should operators be required to report an occupational illness they are made aware of when the affected person is no longer employed at the mine? If so, under what circumstances? Give detailed rationale.

—Under what situations should an injury be considered a recurrence of a previous injury and not be reported as an injury?

—Should there be limits on the reporting of occupationally-related illnesses, e.g. "minor" or "first aid" illnesses would not be reportable? If so, how should the criteria be written?

—Would a list of recognizable illnesses and their relation to specific workplace exposure be helpful to operators in determining what illnesses are reportable? If so, give examples of such a list.

Form 7000-1 Criteria

Mine operators are required to submit to the Agency an MSHA Form 7000-1 for each accident, occupational injury, and occupational illness that occurs on mine property. Sections 50.20-1 through 50.20-7 set forth the instructions and criteria for completion and distribution of this form.

—What specific revisions to the form, terminology, and instructions should MSHA consider?

—Which criteria for processing and completing Form 7000-1 should be improved or clarified?

Verification

—What are the best means for MSHA to effectively verify compliance with Part 50 requirements?

—What types of records or information sources should MSHA check to verify compliance?

List of Subjects in 30 CFR Part 50

Reporting and recordkeeping requirements, Mine safety and health.

Date: November 8, 1988.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 88-26223 Filed 11-10-88; 8:45 am]

BILLING CODE 4510-43-M

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 3614/Pub. L. 100-605
To authorize a study of the Hanford Reach of the Columbia River, and for other purposes. (Nov. 4, 1988; 102 Stat. 3043; 2 pages) Price: $1.00

S. 1851/Pub. L. 100-606
Genocide Convention Implementation Act of 1987 (the Proxmire Act). (Nov. 4, 1988; 102 Stat. 3045; 3 pages) Price: $1.00

S. 2889/Pub. L. 100-607
Health Omnibus Programs Extension of 1988 (Nov 4, 1988; 102 Stat. 3048; 126 pages) Price: $3.50

H.R. 1473/Pub. L. 100-608
To designate the building which will house the United States District Court for the Eastern District of Texas in Lufkin, Texas, as the "Ward R. Burke United States Courthouse." (Nov. 5, 1988; 102 Stat. 3174; 1 page) Price: $1.00

H.R. 2756/Pub. L. 100-609
Granting the consent and approval of Congress to the addition of the State of Ohio as a party to the Middle Atlantic Interstate Forest Fire Protection Compact. (Nov. 5, 1988; 102 Stat. 3175; 1 page) Price: $1.00

H.R. 4517/Pub. L. 100-610
Outer Continental Shelf Operations Indemnification Clarification Act of 1988. (Nov. 5, 1988; 102 Stat. 3176; 3 pages) Price: $1.00

H.R. 4574/Pub. L. 100-611
To amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes. (Nov. 5, 1988; 102 Stat. 3179; 1 page) Price: $1.00

H.R. 5104/Pub. L. 100-612
Federal Property Management Improvement Act of 1988. (Nov. 5, 1988; 102 Stat. 3180; 3 pages) Price: $1.00

H.R. 5552/Pub. L. 100-613
To provide that the Consumer Product Safety Commission amend its regulations regarding lawn darts. (Nov. 5, 1988; 102 Stat. 3183; 1 page) Price: $1.00

H.J. Res. 438/Pub. L. 100-614
Designating November 4, 1988, as "National Teacher Appreciation Day." (Nov. 5, 1988; 102 Stat. 3184; 1 page) Price: $1.00

S. 1382/Pub. L. 100-615
Federal Energy Management Improvement Act of 1988. (Nov. 5, 1988; 102 Stat. 3185; 7 pages) Price: $1.00

S. 1991/Pub. L. 100-616
Uranium Mill Tailings Remedial Action Amendments Act of 1988. (Nov. 5, 1988; 102 Stat. 3192; 2 pages) Price: $1.00

S. 2201/Pub. L. 100-617
To extend for an additional 8-year period certain provisions of title 17, United States Code, relating to the rental of sound recordings, and for other purposes. (Nov. 5, 1988; 102 Stat. 3194; 1 page) Price: $1.00

S. 2361/Pub. L. 100-618
Video Privacy Protection Act of 1988 (Nov. 5, 1985; 102 Stat. 3195; 3 pages) Price: $1.00

S. 2885/Pub. L. 100-619
To amend the Hunger Prevention Act of 1988 to make a technical correction. (Nov. 5, 1988; 102 Stat. 3198; 1 page) Price: $1.00

S.J. Res. 261/Pub. L. 100-620
Designating the month of November 1988 as "National Alzheimer's Disease Month." (Nov. 5, 1988; 102 Stat. 3199; 1 page) Price: $1.00

S.J. Res. 272/Pub. L. 100-621
To designate November, 1988, as "National Diabetes Month." (Nov. 5, 1988; 102 Stat. 3200; 1 page) Price: $1.00

S.J. Res. 306/Pub. L. 100-622
Designating the day of August 7, 1989, as "National Lighthouse Day." (Nov. 5, 1988; 102 Stat. 3201; 1 page) Price: $1.00

S.J. Res. 319/Pub. L. 100-623
To designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week." (Nov. 5, 1988; 102 Stat. 3202; 2 pages) Price: $1.00

S.J. Res. 378/Pub. L. 100-624
Designating the week of October 2 through 8, 1988, as "National Wild and Scenic Rivers Act Week." (Nov. 5, 1988; 102 Stat. 3204; 1 page) Price: $1.00

H.R. 3146/Pub. L. 100-625
Charity Games Advertising Clarification Act of 1988. (Nov. 7, 1988; 102 Stat. 3205; 2 pages) Price: $1.00

H.R. 4118/Pub. L. 100-626
Public Telecommunications Act of 1988. (Nov. 7, 1988; 102 Stat. 3207; 6 pages) Price: $1.00

H.R. 4210/Pub. L. 100-627
To authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972, to establish the National Oceans Policy Commission, and for other purposes. (Nov. 7, 1988; 102 Stat. 3213; 11 pages) Price: $1.00

H.R. 4352/Pub. L. 100-628
Stewart B. McKinney Homeless Assistance Amendments Act of 1988. (Nov. 7, 1988; 102 Stat. 3224; 62 pages) Price: $1.75

H.R. 4919/Pub. L. 100-629
To approve the governing international fishery agreement between the United States and the Union of Soviet

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Socialist Republics, and for other purposes. (Nov. 7, 1988; 102 Stat. 3286; 3 pages) Price: $1.00

H.R. 5334/Pub. L. 100-630

Handicapped Programs Technical Amendments Act of 1988. (Nov. 7, 1988; 102 Stat. 3289; 29 pages) Price: $1.00

H.J. Res. 573/Pub. L. 100-631

To designate the week beginning November 13, 1988, as "National Craniofacial Awareness Week." (Nov. 7, 1988; 102 Stat. 3318; 1 page) Price: $1.00

H.J. Res. 654/Pub. L. 100-632

Designating November 4 through 10, 1988, as the "Week of Remembrance of Kristallnacht." (Nov. 7, 1988; 102 Stat. 3319; 1 page) Price: $1.00

S. 850/Pub. L. 100-633

To amend the Wild and Scenic Rivers Act to designate a segment of the Rio Chama River in New Mexico as a component of the National Wild and Scenic Rivers System. (Nov. 7, 1988; 102 Stat. 3320; 2 pages) Price: $1.00

S.J. Res. 301/Pub. L. 100-634

Designating January 20, 1989, as "National Skiing Day." (Nov. 7, 1988; 102 Stat. 3322; 1 page) Price: $1.00

S.J. Res. 342/Pub. L. 100-635

To designate the week of November 28 through December 5, 1988, as "National Book Week." (Nov. 7, 1988; 102 Stat. 3323; 1 page) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.115New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

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3 (1987 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1988
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1-199	14.00	Apr. 1, 1988
200-239	14.00	Apr. 1, 1988
240-End	21.00	Apr. 1, 1988
18 Parts:		
1-149	15.00	Apr. 1, 1988
150-279	12.00	Apr. 1, 1988
280-399	13.00	Apr. 1, 1988
400-End	9.00	Apr. 1, 1988
19 Parts:		
1-199	27.00	Apr. 1, 1988
200-End	5.50	Apr. 1, 1988
20 Parts:		
1-399	12.00	Apr. 1, 1988
400-499	23.00	Apr. 1, 1988
500-End	25.00	Apr. 1, 1988
21 Parts:		
1-99	12.00	Apr. 1, 1988
100-169	14.00	Apr. 1, 1988
170-199	16.00	Apr. 1, 1988
200-299	5.00	Apr. 1, 1988
300-499	26.00	Apr. 1, 1988
500-599	20.00	Apr. 1, 1988
600-799	7.50	Apr. 1, 1988
800-1299	16.00	Apr. 1, 1988
1300-End	6.00	Apr. 1, 1988
22 Parts:		
1-299	20.00	Apr. 1, 1988
300-End	13.00	Apr. 1, 1988
23	16.00	Apr. 1, 1988
24 Parts:		
0-199	15.00	Apr. 1, 1988
200-499	26.00	Apr. 1, 1988
500-699	9.50	Apr. 1, 1988
700-1699	19.00	Apr. 1, 1988
1700-End	15.00	Apr. 1, 1988
25	24.00	Apr. 1, 1988
26 Parts:		
§§ 1.0-1-1.60	13.00	Apr. 1, 1988
§§ 1.61-1.169	23.00	Apr. 1, 1988
§§ 1.170-1.300	17.00	Apr. 1, 1988
§§ 1.301-1.400	14.00	Apr. 1, 1988
§§ 1.401-1.500	24.00	Apr. 1, 1988
§§ 1.501-1.640	15.00	Apr. 1, 1988
§§ 1.641-1.850	17.00	Apr. 1, 1988
§§ 1.851-1.1000	28.00	Apr. 1, 1988
§§ 1.1001-1.1400	16.00	Apr. 1, 1988
§§ 1.1401-End	21.00	Apr. 1, 1988
2-29	19.00	Apr. 1, 1988
30-39	14.00	Apr. 1, 1988
40-49	13.00	Apr. 1, 1988
50-299	15.00	Apr. 1, 1988
300-499	15.00	Apr. 1, 1988
500-599	8.00	[3] Apr. 1, 1980
600-End	6.00	Apr. 1, 1988
27 Parts:		
1-199	23.00	Apr. 1, 1988
200-End	13.00	Apr. 1, 1988*
28	25.00	July 1, 1988

Title	Price	Revision Date
29 Parts:		
0–99	17.00	July 1, 1988
100–499	6.50	July 1, 1988
500–899	24.00	July 1, 1987
900–1899	11.00	July 1, 1988
*1900–1910	29.00	July 1, 1988
1911–1925	8.50	July 1, 1988
1926	10.00	July 1, 1987
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	20.00	July 1, 1988
200–699	8.50	July 1, 1987
700–End	18.00	July 1, 1988
31 Parts:		
0–199	12.00	July 1, 1987
200–End	16.00	July 1, 1987
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
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190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1987
630–699	13.00	[5] July 1, 1986
700–799	15.00	July 1, 1988
800–End	16.00	July 1, 1987
33 Parts:		
1–199	27.00	July 1, 1987
200–End	19.00	July 1, 1987
34 Parts:		
1–299	20.00	July 1, 1987
300–399	11.00	July 1, 1987
400–End	23.00	July 1, 1987
35	9.50	July 1, 1988
36 Parts:		
1–199	12.00	July 1, 1988
200–End	20.00	July 1, 1988
37	13.00	July 1, 1988
38 Parts:		
0–17	21.00	July 1, 1987
18–End	19.00	July 1, 1988
39	13.00	July 1, 1988
40 Parts:		
1–51	21.00	July 1, 1987
52	26.00	July 1, 1987
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1988
81–99	25.00	July 1, 1987
100–149	23.00	July 1, 1987
150–189	18.00	July 1, 1987
190–399	29.00	July 1, 1987
400–424	22.00	July 1, 1987
425–699	21.00	July 1, 1987
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[6] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[6] July 1, 1984
3–6	14.00	[6] July 1, 1984
7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
10–17	9.50	[6] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[6] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[6] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[6] July 1, 1984
19–100	13.00	[6] July 1, 1984
1–100	10.00	July 1, 1988
101	23.00	July 1, 1987
102–200	12.00	July 1, 1988
201–End	8.50	July 1, 1987
42 Parts:		
1–60	15.00	Oct. 1, 1987
61–399	5.50	Oct. 1, 1987
400–429	21.00	Oct. 1, 1987
430–End	14.00	Oct. 1, 1987
43 Parts:		
1–999	15.00	Oct. 1, 1987
1000–3999	24.00	Oct. 1, 1987
4000–End	11.00	Oct. 1, 1987
44	18.00	Oct. 1, 1987
45 Parts:		
1–199	14.00	Oct. 1, 1987
200–499	9.00	Oct. 1, 1987
500–1199	18.00	Oct. 1, 1987
1200–End	14.00	Oct. 1, 1987
46 Parts:		
1–40	13.00	Oct. 1, 1987
41–69	13.00	Oct. 1, 1987
70–89	7.00	Oct. 1, 1987
90–139	12.00	Oct. 1, 1987
140–155	12.00	Oct. 1, 1987
156–165	14.00	Oct. 1, 1987
166–199	13.00	Oct. 1, 1987
200–499	19.00	Oct. 1, 1987
500–End	10.00	Oct. 1, 1987
47 Parts:		
0–19	17.00	Oct. 1, 1987
20–39	21.00	Oct. 1, 1987
40–69	10.00	Oct. 1, 1987
70–79	17.00	Oct. 1, 1987
80–End	20.00	Oct. 1, 1987
48 Chapters:		
1 (Parts 1–51)	26.00	Oct. 1, 1987
1 (Parts 52–99)	16.00	Oct. 1, 1987
2 (Parts 201–251)	17.00	Oct. 1, 1987
2 (Parts 252–299)	15.00	Oct. 1, 1987
3–6	17.00	Oct. 1, 1987
7–14	24.00	Oct. 1, 1987
15–End	23.00	Oct. 1, 1987
49 Parts:		
1–99	10.00	Oct. 1, 1987
100–177	25.00	Oct. 1, 1987
178–199	19.00	Oct. 1, 1987
200–399	17.00	Oct. 1, 1987
400–999	22.00	Oct. 1, 1987
1000–1199	17.00	Oct. 1, 1987
1200–End	18.00	Oct. 1, 1987
50 Parts:		
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1987. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1988. The CFR volume issued as of Apr. 1, 1980, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.